

House Bill 109

By: Representatives Bryant of the 160th, Stephens of the 161st, Stephens of the 164th, Carter of the 159th, Gordon of the 162nd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling, so as to define a certain term; to provide that owning, possessing, keeping, or training a cock for cockfighting, causing any cock to fight or injure another cock for amusement or gain, or allowing such activities on a person's property shall constitute a felony; to provide that being present at a cockfight shall constitute a misdemeanor of a high and aggravated nature; to provide that being present at any place where preparations are being made for an exhibition of cockfighting shall constitute a misdemeanor; to provide for punishments; to provide for exemptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling, is amended by adding a new Code section to read as follows:

"16-12-39.

(a) As used in this Code section, the term 'cock' means any male chicken including game fowl; provided, however, that such term shall not include wildlife as defined in Code Section 27-1-2.

(b) Any person who knowingly:

(1) Owns, possesses, keeps, or trains any cock with the intent that such cock engage in an exhibition of fighting with another cock;

(2) For amusement or gain, causes any cock to fight with another cock or causes any cocks to injure each other; or

(3) Permits any act in violation of paragraph (1) or (2) of this subsection to be done on any premises under his or her charge or control

shall be guilty of a felony and, upon the first conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not less than \$5,000.00, or both such fine and imprisonment. On a second or subsequent conviction,

such person shall be punished by imprisonment of not less than one nor more than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment. Each act or omission in violation of this subsection shall constitute a separate offense.

(c) Any person who is present at an exhibition of the fighting of cocks shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished by a fine of not less than \$1,000.00 and not to exceed \$10,000.00, or by confinement for a term not less than three months nor more than 12 months, or both, which punishment shall not be suspended, probated, or withheld.

(d) Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of cocks is guilty of a misdemeanor.

(e) The provisions of subsection (b) of this Code section shall not apply to any activity involving the possession, training, exhibition, or use of a cock in the lawful pursuits of ranching, farming, rodeos, and related activities."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.